UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-22 and 30-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-22 and 30-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's Amendment filed on 5/5/2008 has been entered with amended claims

16-22, 30-41. In this Office Action, claims 16-22 and 30-41 are pending.

Drawings

2.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show

every feature of the invention specified in the claims. Therefore, the 16-35 must be

shown or the feature(s) canceled from the claim(s). No new matter should be entered.

There is no relation between drawings and claims.

        Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next

Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3.   Claims 16-29 and 36-41 are objected under 35 U.S.C. § 101, because none of

the claims are directed to statutory subject matter. Independent claims 16 and 36 deals

with simple abstract ideas. A process that merely manipulates an abstract idea or

performs a purely mathematical algorithm is nonstatutory despite the fact that it might

inherently have some usefulness. In Sarkar, 588 F.2d at 1335, 200 USPQ at 139. See

recent court case, In-Re Comiskey, _____,Fed. Cir., 2007____ decided 9/20/2007. (see

MPEP 2106(IV)(B)(2)(b)(ii)). In this case, claims 16-29 and 36-41 have to be amended

as "computer implemented method" in place of "method" to overcome the objection.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
>
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
>
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
>
> set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 16, 30 and 36 are rejected under 35 U.S.C. 112, first paragraph, because

the best mode contemplated by the inventor has not been disclosed. Evidence of

concealment of the best mode is based upon "**interpreting codes for one user's**

perspective from plurality of users' perspectives for said one user's use." It is

difficult to interpret what codes or users and it is not related to a specific subject matter.

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
>
> claiming the subject matter which the applicant regards as his invention.

7.   Claims 16, 30 and 36 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Claims have the preamble as "**interpreting**

codes for one user's perspective from plurality of users' perspectives for said

one user's use." It is difficult to interpret what codes or users not related to a specific

subject matter.

8.   Claims 16, 30 and 35 are rejected under 35 U.S.C. 112, second paragraph, as

they recites the limitation "selected logic rules" in for example claim 16, line 8. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

9.   35 U.S.C. § 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
>
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
>
> conditions and requirements of this title.

10.   Claims 30-35 are rejected under 35 U.S.C. § 101, because claims are directed to

program per se. Independent claims 30 and 36 are claiming a computer program per

se and functional descriptive material consisting of data structures and computer

programs, which impart functionality when employed as a computer component (see

table 10, showing the function program). As such, the claims are not limited to statutory

subject matter and are therefore non-statutory. See Diehr, 450 U.S. at 185-86, 209

USPQ at 8.

11.   Claims 16-41 are rejected under 35 U.S.C. § 101, because independent claims

16, 30 and 35 are preemptive and very abstract idea. Claims 17-22, 31-35 and 37-41

are dependent claims respectively and rejected under the same rationale.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
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> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 16-22 and 30-41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zambo et al. (US Patent 6,985,907) hereinafter Zambo, in view of

McCollum et al. (USPA Pub. 2005/0091640 A1) hereinafter McCollum, and further in

view of Applicant Admitted Prior Art (AAPA).

14.   As per independent claims 16, 30 and 36, Zambo teaches a method of codifying

field claims with the most severe of the applicable condition codes (col. 2, lines 17-19).

Zambo teaches the claimed, an automated method for interpreting codes for one users

perspective from a plurality of user's perspectives for said one user's use (col. 2,

lines 19-21). Zambo teaches the claimed, inquiring whether an occurrence of an event

has a correct predetermined code of said codes associated therewith based on

provisions provided in a document (Table 2, col. 6, line 65-67). Zambo teaches the

claimed, providing for said one user's use text of said applicable codes (Fig. 1. Table 1,

col. 6, line 56 to col.7 line 14).

Zambo does not explicitly teach rules. However, McCollum teaches the claimed,

applying selected logic rules to apply to said occurrence of said event (Fig. 1, page 2,

paragraph [0005]). McCollum teaches the claimed, (Fig. 1, page 2, paragraph [0029]).

McCollum teaches the claimed, identifying applicable codes based on the evaluations of

said first and second evaluations, wherein said applicable codes match said evaluation

functions as applied to said target rules (page 1, paragraph [0003]).

Zambo does not explicitly teach rules. McCollum also teaches the claimed,

applying evaluation functions to said target rules, corresponding to said codes, to

identify applicable codes, wherein a first evaluation function comprise one user's

perspective in said codes, and wherein a second evaluation function comprises said

event as relating to said codes (Fig. 3, page 14, paragraph [0236]). Thus, it would have

been obvious to one of ordinary skill in the data processing art at the time of the

invention, to have combined the teachings of the cited references because McCollum's

teachings would have allowed Zambo's method to execute plurality of rules

simultaneously instead of executing sequentially in order to use computer resources

more efficiently (page 1, paragraph [0003]). Zambo teaches the claimed, mapping said

codes to target rules according to an event related to said codes (Fig. 2, col.4,

lines 45-61).

AAPA teaches the claimed, codes comprise text of a document of any of laws,

policy statements, contract provisions, agreements, regulations, rules of association,

constitutions, codes of conduct (page 1, paragraph [0002]). Thus, it would have been

obvious to one of ordinary skill in the data processing art at the time of the invention, to

have combined the teachings of the cited references because AAPA's teachings would

have allowed Zambo's method to improve using codes (page 1, paragraph [0005]).

15.   As per dependent claims 17 and 31, Zambo teaches the claimed, applicable

codes comprise a classification codes used for classifying said provisions provided in

said document (Fig. 1, Table 1, col. 4, lines 12-20).

16.   As per dependent claims 18 and 32, Zambo, McCollum and AAPA combined

teach claims 16 and 30. AAPA teaches the claimed, document comprises any of legal

documents, business policy statements, contracts, agreements, regulations, rules,

constitutions, and codes of conduct (page 1, paragraph [0002]). Thus, it would have

been obvious to one of ordinary skill in the data processing art at the time of the

invention, to have combined the teachings of the cited references because AAPA's

teachings would have allowed Zambo's method to improve using codes (page 1,

paragraph [0005]).

17.   As per dependent claims 19, Zambo teaches the claimed, allowing said one user

making a decision regarding responding to said occurrence of said event based on said

calculated results (Fig. 2, col. 3, lines 62-67).

18.   As per dependent claims 20 and 33, Zambo, McCollum and AAPA combined

teach claims 16 and 30. McCollum teaches the claimed, selected logic rules comprise

any of fuzzy rules, if-then-else rules, for-loop rules, while-do rules, do-while rules, do-

until iteration rules, if-then rules, when-do rules, predicate logic rules, and declarative

rules (Fig. 3, page 8, paragraph [0093]).

19.   As per dependent claims 21 and 34, Zambo teaches the claimed, codes provided

in said document comprise computerized text (Fig. 2, col. 4, line 1-3).

20.   As per dependent claims 22 and 35, Zambo, McCollum and AAPA combined

teach claims 16 and 30. McCollum teaches the claimed, restricting specified logic rules

from being evaluated (Fig. 3, page 8, paragraph [0044, 0056 & 0095]).

21.   As per dependent claim 37, Zambo teaches the claimed, codes matching said

evaluation function comprise a classification code used for classifying said one user's

perspective in said evaluation functions (Fig. 1, Table 1, col. 4, lines 12-20).

22.   As per dependent claim 38, Zambo teaches the claimed, allowing said one user

making a decision regarding responding to said triggering events based on said

evaluating of said logic rules (Fig. 2, col. 3, lines 62-67).

23.   As per dependent claim 39, McCollum teaches the claimed, logic rules comprise

any of fuzzy rules, if- then-else rules, for-loop rules, while-do rules, do-while rules, do-

until iteration rules, if-then rules, when-do rules, predicate logic rules, and declarative

rules (Fig. 3, page 8, paragraph [0093]).

24.   As per dependent claim 40, Zambo teaches the claimed, one user's perspective

in said evaluation functions comprise computerized text (Fig. 2, col. 4, line 1-3).

25.   As per dependent claim 41, McCollum teaches the claimed, restricting specified

logic rules from being evaluated (Fig. 3, page 8, paragraph [0044, 0056 & 0095]).

Response to Arguments

26.   Applicant's arguments with respect to claims 16-22 and 30-41 have been

considered but they are not persuasive and details as follows:

a)   Applicants' argument regarding drawings objection stated as "Applicant

further respectfully submits that claims 30-35 are not directed to a computer

program per se, as noted above, and hence, are not directed to non-statutory

subject matter under 35 U.S.C. §101."

In response to Applicants argument, Examiner respectfully disagrees.

Because Applicant amended claim 30 by deleting "a computer program product"

and replacing as "a program storage device readable by machine." The terms

"program" and "machine" are not supported by the specification.

b)   Applicants' argument regarding rejection of claims under 35 U.S.C. 103

stated as "Nowhere does Zambo disclose, teach or suggest providing for one

user's use text..."

In response to Applicants argument, Examiner respectfully disagrees,

because claims 16, 30 and 36 limitation is claiming the preamble as

"interpreting codes for one user's perspective from plurality of users'

perspectives for said one user's use." There is no statutory subject matter.

Claims are very broad, as well as preemptive and abstract ideas.

c)   Applicants' argument regarding claims 16, 30 and 36 rejection using the prior art stated as "the prior art of record does not teach or suggest the claimed features of evaluating target rules..." (see Remarks section, page 11, paragraph two from the bottom)

In response to Applicants argument, Examiner respectfully disagrees, because McCollum teaches as "The purpose of the RDL 100 is to test assertions, enforce constraints using runtime information, make inferences, perform correlation, and communicate results of dynamic test to other component. In support thereof, the RDL 100 includes a number of statements 102 (also denoted STATEMENT.sub.1, STATEMENT.sub.2, . . . , STATEMENT.sub.N) that facilitate structuring one or more rules 104 for concurrent processing." See at page 2, paragraph [0029]. Therefore the prior art on record do teach each and every limitation of all claims.

Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner

srp
August 5, 2008